



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: §
Palumbo et al. §
Serial No.: 10/750,362 § Group Art Unit: Unknown
Confirmation No.: 4922 § Examiner: Unknown
Filed: December 31, 2003 §
For: METHOD AND SYSTEM FOR §
RECEIVING DIGITAL CONTENT §
USING A PREPAID DIGITAL §
CONTENT CARD §

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING 37 CFR 1.8	
I hereby certify that this correspondence is being deposited on <u>10-27-2004</u> with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<u>10-27-2004</u> Date	 Signature

PETITION FOR FILING OF PATENT APPLICATION
WHEN ONE JOINT INVENTOR REFUSES TO EXECUTE
PAPERS UNDER 37 C.F.R. § 1.47(a)

This Petition is submitted pursuant to 37 CFR § 1.47(a) for the failure of one of the inventors, John Baross, to execute the Declaration and Assignment in connection with the above-identified application. An email dated June 23, 2004 attaching the Declaration and Assignment was sent to Mr. Baross. A letter dated August 27, 2004 to Mr. Baross, with the enclosure of the Declaration and Assignment, was delivered and signed for by Mr. Baross, a copy of the U.S. Post Office Tracking service is provided. A return address label was provided to Mr. Baross for his use in returning the documents, which has not been used as evidenced by the U.S. Post Office Tracking Service. Numerous telephone messages have been made to Mr. Baross' home telephone number but have not been returned. Despite numerous efforts to contact Mr. Baross, the non-signing inventor has failed to execute the Declaration and Assignment.

The last known address of the non-signing inventor, John Baross, is as follows:

126 Pleasant Grove Road
Long Valley, NJ 07853-3444

For the foregoing reasons, it is believed that sufficient basis has been established for filing this application absent John Baross' signature. Accordingly, granting of this Petition under 37 C.F.R. § 1.47(a) is respectfully requested.

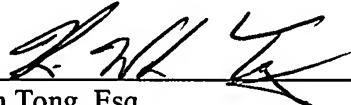
11/01/2004 WASFAWI 00000068-200782 10750362

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130.00 DA

The Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/ATT2003-0254 the fee of \$130.00 as required by 37 CFR § 1.17(h) in accordance with 37 CFR § 1.47(a).

Respectfully submitted,



Kin-Wah Tong, Esq.
Registration No. 39,400
MOSER, PATTERSON & SHERIDAN, L.L.P.
595 Shrewsbury Avenue
Shrewsbury, NJ 07701
Telephone: (732) 530-9404
Facsimile: (732) 530-9808

-----Original Message-----

From: BJackson@mpslp.com
Sent: Jun 23, 2004 10:38 AM
To: johnbaross@earthlink.net
Subject: Patent Application for ATT 2003-0254

Dear Mr. BaRoss,

I am attaching herewith two documents which must be executed for filing with the above-identified patent application. They are the Declaration/Power of Attorney and Assignment. Please sign these documents in BLUE INK. The Assignment must be notarized and I have been informed that there are notaries at a credit union office or in the law division or a director's secretary. If you see an error in any of your information, you may correct it in blue ink and place your initials beside the correction. After they are signed, please return a copy of these documents via facsimile to me so that we can file the patent application with the Patent Office before the deadline of **JUNE 27, 2004**. Then return the original documents to me for the file. Thanks again for all your help with this matter.

I apologize for the short notice.
Many thanks,

Barbara

Barbara J. Jackson
Paralegal
Moser, Patterson & Sheridan, LLP
595 Shrewsbury Avenue
Shrewsbury, NJ 07702
voice (732) 530-9404, X1144
fax (732) 530-9808
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New Jersey--Texas--California

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EV338401580US

ATTORNEYS AT LAW

August 27, 2004

Mr. John BaRoss
16 Pleasant Grove Road
Long Valley, NJ 07853-3444

Re: U.S. Patent Application No. 10/750,362
Entitled: "METHOD AND SYSTEM FOR RECEIVING DIGITAL
CONTENT USING A PREPAID DIGITAL CONTENT CARD"
Our File: ATT 2003-0254

Dear Mr. BaRoss:

I am forwarding with this letter, additional copies of the Declaration and Power of Attorney, along with the Assignment, which is required for filing with the above-identified patent application.

The issue which you had previously brought to our attention concerning this matter has now been resolved. Our attorney, Mr. Kin-Wah Tong, has attempted to contact you several times to discuss the resolution but has been unable to reach you.

As this matter is now considered resolved, I would appreciate your signing, dating and returning these documents. I have provided a pre-paid Express Mail envelope for your use. If you still have any concern with regards to this matter, please call us at your earliest opportunity so that we can discuss the matter with you.

Very truly yours,


Barbara J. Jackson
Paralegal

:bjj
Enclosure

CC: Kin-Wah Tong, Esq.

350 Cambridge Ave, Suite 250
Palo Alto, CA 94306-1550
TEL 650.330.2310
FAX 650.330.2314

595 Shrewsbury Ave, Suite 100
Shrewsbury, NJ 07702-4185
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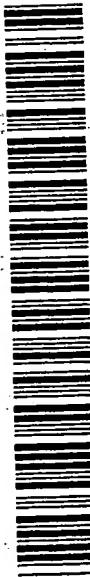
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